

## INFORMATION REPORT

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COUNTRY: Germany (Western Zones)

DATE DISTR. 25 Oct 50

SUBJECT Resolution of Laender Police Experts on  
Proposed Alert Police Force

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SUPPLEMENT TO  
REPORT NO.

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THIS IS UNEVALUATED INFORMATION

1 The following is a translation of a resolution adopted in Konstanz on 19 September 1950 by public safety experts of the Laender, meeting as a committee.

The Working Committee of the Ministers of the Interior of the Laender, Sub-Committee II, Public Safety and Order, at its meeting in Konstanz on 18-19 September 1950, came to the following conclusions, which they herewith submit as recommendations to the Ministers of the Interior and Senators of the Laender:

1. According to regulations in effect in the territory of the German Federal Republic, the police are charged with maintaining domestic public safety and order. For defense against dangers which threaten from without, other arrangements, differing materially in organization, mission and in choice of means from those of the police, are required.

This difference has recently been insufficiently recognized in official announcements, as well as in the press and radio, and has in many cases led to unjustified criticism of the police in the Länder.

2. According to the Bonn Basic Law, the police power is in the hands of the Laender. The manner in which the Federation is granted authority in this field under exceptional circumstances is, for the time being, definitively regulated by the Basic Law. In case of imminent danger to the free, democratic basic order of a Land, it is first the job of the Land itself to put down the emergency, and it may call on the police forces of another Land to help in so doing. These same provisions apply also in the case of imminent danger to the existence of the Federation (Art. 91, paragraph 1, Basic Law).

In case a Land does not fulfill these duties imposed on it by the Basic Law or is not in a position to fulfill them, the Basic Law gives the Federation the following rights:

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## CENTRAL INTELLIGENCE AGENCY

-2-

- a) The Federal government may send emissaries to check on the situation, and with the permission of the Land government or of the Bundesrat, they may also check with subordinate (Land) agencies (Art. 84 paragraph 3, Basic Law).
- b) The Federal government may, by an enabling act, be granted the power to give detailed orders in special cases (Art. 84, paragraph 5, Basic Law).
- c) The Federal government may, if a Land is not ready to combat an imminent danger or is not in a position to do so, place the police of this Land or the police of other Laender under its direction (Art. 91, paragraph 2, Basic Law).

3. The Laender are constitutionally empowered to conclude state treaties which require ratification by their legislatures. These state treaties may touch all subjects which are not limited by their constitutions or by the Basic Law. In particular, the Basic Law may only be amended by a state treaty under the conditions imposed by Art. 79 of the Basic Law. Even the planned administrative agreement between the Federation and the Laender on the setting up of a Laender alert police force (which has already been the subject of discussions between the Federal Minister of the Interior and the Laender Ministers of the Interior) must conform to these constitutional principles.

An agreement which would not be interpreted as altering the Bonn Basic Law could touch on, among others, the following subjects:

- a) Determination of police strengths and their posts in the Laender.
- b) Principles for recruitment.
- c) Decisions on unified training and schooling and on joint schools.
- d) Unified service regulations.
- e) Unified uniform, equipment and arms regulations.
- f) Unified pay scales and career regulations.

4. The preparations already made by the Federation for the setting up of a Laender alert police do not conform to the principles listed above. This is especially true for the proposed selection and recruitment of police officials.

5. The experience in the use of police gained from 1945 on in the Laender and in the Working Committee at the Military Police Institute should also be considered in training the alert police of the Laender.

6. For the preparation and the carrying out of the above recommendations, the Working Committee recommends to the Ministers of the Interior of the Laender the creation of a Committee with the following composition:

- a) Representatives of the Federal Ministry of the Interior.
- b) Representatives from each Laender consisting of a ranking official of the police and a ranking administrative official.
- c) Representative of the Military Police Institute.
- d) Additional representatives, as they may be needed.

7. In conclusion, the Working Committee of the Laender Ministers of the Interior recommends:

In order to satisfy the demands of the Federation and the Laender for a strengthening of the police, it is urgently necessary that, in addition to the realization of the principles set out in "3" above, the Ministers of the Interior or Senators of the Laender receive operational control powers over all police forces in their Laender."

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